

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 08-411V

Filed: October 3, 2011

NOT TO BE PUBLISHED

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MIKE BOTTOROFF and TENZIN BOTTOROFF, \*  
legal representatives of a minor child TROY \*  
BOTTOROFF, \*

Petitioners, \*

Attorneys' Fees and Costs

v. \*

SECRETARY OF THE DEPARTMENT \*  
OF HEALTH AND HUMAN SERVICES, \*

Respondent. \*

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### DECISION<sup>1</sup>

**GOLKIEWICZ, Special Master.**

Petitioners filed an Application for Attorneys' Fees and Costs on August 17, 2011 (Petitioners' Application). Respondent's counsel and petitioners' counsel conveyed to the court on September 30, 2011 that respondent's counsel had reviewed Petitioners' Application and had certain objections to petitioners' request for fees and costs. Petitioners' counsel agreed to reduce his request to a total of **\$6,700.00** in attorneys' fees and costs, and **\$345.00** in costs to petitioners.

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<sup>1</sup>Because this unpublished decision contains a reasoned explanation for the action in this case, the undersigned intends to post this decision on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). In accordance with Vaccine Rule 18(b), a party has 14 days to identify and move to delete medical or other information, that satisfies the criteria in § 300aa-12(d)(4)(B). Further, consistent with the rule requirement, a motion for redaction must include a proposed redacted decision. If, upon review, the undersigned agrees that the identified material fits within the requirements of that provision, such material will be deleted from public access.

Respondent's counsel indicated she had no objection to petitioners' reduced request for attorneys' fees and other litigation costs.

**The request for attorneys' fees and costs is granted.** Petitioner is awarded reasonable attorneys' fees and costs pursuant to §§ 15(b) and (e)(1), as I find that the petition was brought in good faith and upon a reasonable basis, and the amounts requested are reasonable and appropriate.

**Pursuant to §15(e)**, the court awards **\$7,045.00** in attorneys' fees and other litigation costs, of which, **\$6,700.00** shall be made payable jointly to petitioners and petitioners' counsel Martin James Martinez. The remaining **\$345.00** shall be made payable to petitioners. The court thanks the parties for their cooperative efforts in resolving this matter. The Clerk shall enter judgment accordingly.<sup>2</sup>

**IT IS SO ORDERED.**

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Gary J. Golkiewicz  
Special Master

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<sup>2</sup>Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.